

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: LEGISLATIVE BRIEFING

DEPARTMENT: County Manager's Office **DIVISION**

Steve Lee EXT. 5741

AUTHORIZED BY: Kevin Grace **Contact:** Sally A. Sherman EXT. 7224

Agenda Date 01/25/05 **Regular** **Consent** **Work Session** **Briefing**
Public Hearing – 1:30 **Public Hearing – 7:00**

Top Legislative Priorities

1. Support Deferred Compensation Plan – The ability to piggyback off the State Plan.

On the Senate side, Senator Constantine's office has sent a proposal to bill drafting, however, it has not been filed. Discussions are being held with members of the House to secure a sponsor. To date, both Simmons and Hayes have declined. A draft proposal with suggested amendments to FL 20.121 was provided to the Lobbyist. (Attachment 1)

2. Car Rental Surcharge – Support adoption of a new per diem charge as a local option (including a referendum requirement if necessary in order to secure passage of the bill).

No proposed bill to date

3. Support inclusion of a Local Sources First Policy in Florida Statutes, Chapter 373 – Oppose any amendment to Florida's Water Resource Policy which allows, encourages, or promotes water transfers.

No proposed bill to date

4. Oppose any attempts at shifting the costs of Government services and programs from the state to counties, such as:

Department of Juvenile Justice (DJJ) Cost - SB 4A- by Justice Appropriations Committee Senators Christ, Lynn, and Villalobos.

JUVENILE JUSTICE WORKSHOPS ANNOUNCED IN HOUSE AND SENATE - Senate Committee on Criminal Justice Chairman Stephen Wise (R-Jacksonville-Duval) announced that his Committee will be hosting a workshop on juvenile justice during the interim committee week of January 24th (1/24-1/28).

Specifically, Senator Wise would like to revisit the cost shift, as Senate President Tom Lee (R-Brandon) had committed to do. Similarly, Representative Gustavo Barreiro (R-Miami-Dade), Chair of the House Committee on Justice Appropriations, requested that his staff prepare a general juvenile justice workshop during one of the February interim committee weeks (likely the week of the 14th). FAC staff has assembled a technical work group of county justice experts to help prepare technical and policy recommendations for which the Senate or House Committee members may ask. (Porter: jporter@fl-counties.com)

5. FEMA Hurricane Related Issues

No updated activity

- a) Reimbursement for debris removal in gated subdivisions and on private roads.
- b) Timing of reimbursements to offset impact on local budget.

6. Other Items of Interest

- A. **Wireless Emergency Telephone System - H305 by Littlefield Companion Bill SB 620** - removes annual audit of Wireless Emergency Telephone System Fund from duties of Auditor General; revises fee schedules for providers of interexchange telecommunications services; provides standards for local governments to follow when regulating placement, construction, or modification of wireless communications facility; directs how county may use funds derived from E911 fee, etc. (Attachment A)

In reviewing the bill, it would appear that the changes limit local capabilities and in some cases contradict our codes. There is language that also limits our process with co-location.

- B. **Growth Management** - Sen. Bennett has filed a shell bill (SB 360) The proposal for the shell bill includes changes to Florida's growth management laws/rules. First, the Department of Community Affairs has issued two draft documents: one addressing general growth management issues under Ch. 163 and Rule 9J-5, while the other addresses changes in the Development of Regional Impact (DRI) process under Ch. 380, F.S.

Staff reviewed the proposed changes to the statute and concludes there are minimal if any impacts on the County. A summary is provided on the discussions from Florida House Growth Management Legislative Committee Meeting that was held on January 18, 2005. (Attachment B)

- C. **Private Fire Hydrants** – Sen. Miller S748 companion HB0267 requires owners of private fire hydrants to test hydrants in accordance with national standards and to contract with licensed professionals or local fire-control authorities to inspect & service such hydrants; authorizes local fire officials to contract with said owners to maintain such hydrants; provides fines for noncompliance. (Attachment C)
- D. **Trauma Care & Rape Crisis Centers** – Sen. Lynn filed a (SB 258) authorizes DOH to adopt and enforce rules necessary to administer provisions re trauma services; establishes task force on distribution of funds for trauma centers; provides additional civil penalties for certain traffic infractions and for such penalties to be used to fund trauma services; requires that funds credited to Rape Crisis Program TF include moneys appropriated by Legislature and grants from public and private entities, etc. (Attachment D)
- E. **Photographic Traffic Control** - Sarasota County letter dated 1/11/05 – Requesting County support on legislation authorizing local governments to use photographic traffic control system in the enforcement of red light running. (Attachment E)
- F. Seminole County Legislative Day – February 15th – Meetings with Legislator follow by Dinner 7:00 Silver Slipper. February 16th Meetings with Legislator

7. **Funding Request – Community Budget Request for 2005**

a) I-4/Greenway Interchange - Construction Cost	\$4,000,000	
Senate Sponsor – Baker / House Sponsor Hayes		
b) State Road 415 – Expand to 4-Lanes - Construction Cost	\$2,500,000	
Senate Sponsor – Baker / House Sponsor Simmons		
c) State Road 46 – Expand to 4-Lanes - Design Cost	\$ 2,000,000	
Senate Sponsor – Baker / House Sponsor Adams		
d) State Road 46 and I-4 - - ROW Cost	\$10,000,000	
Senate Sponsor – Baker / House Sponsor Hayes		
e) State Road 434 and Interstate 4 Interchange – Interchange Reconstruction - Design Cost	\$3,500,000	
Senate Sponsor – Constantine/ House Sponsor Mealor		
f) Middle St. John’s River Basin Initiative-	\$4,000,000	
Senate Sponsor – Baker / House Sponsor Mealor		
g) Regional Alternative Water Supply Testing Program -	\$2,400,000	
Senate Sponsor – Baker / House Sponsor Mealor		
h) Historical Museum Complex Expansion Project -	\$300,000	
Senate Sponsor – Baker / House Sponsor Hayes		
TOTAL	\$28,700,000	

Deferred Compensation Draft Proposal

Prepared by Staff - 1/05

Section 1. Amend s. 20.121(2)(d) to read as follows:

20.121 Department of Financial Services.--There is created a Department of Financial Services.

(2) DIVISIONS.--The Department of Financial Services shall consist of the following divisions:

(d) The Division of Treasury, which shall include a Bureau of Deferred Compensation responsible for administering the Government Employees Deferred Compensation Plan established under s. 112.215 for state employees and other participants.

Section 2. Amend ss. 112.215(4)(a), (b) and (d) to read as follows:

112.215 Government employees; deferred compensation program.--

(4)(a) The Chief Financial Officer, with the approval of the State Board of Administration, shall establish such plan or plans of deferred compensation ~~for state employees~~, including all such investment vehicles or products incident thereto, as may be available through, or offered by, qualified companies or persons, and may approve one or more such plans for implementation by and on behalf of the state, ~~and its agencies and employees~~ or other participants.

(b) If the Chief Financial Officer deems it advisable, he or she shall have the power, with the approval of the State Board of Administration, to create a trust or other special funds for the segregation of funds or assets resulting from compensation deferred at the request of employees of the state, ~~or its agencies~~ or other participants and for the administration of such program.

(d) In accordance with such approved plan, and upon contract or agreement with an eligible employee, deferrals of compensation may be accomplished by payroll deductions made by the appropriate officer or officers ~~of the state~~, with such funds being thereafter held and administered in accordance with the plan.

Section 3. Amend s. 112.215(5) to read as follows:

(5) Any county, municipality, or other political subdivision of the state may by ordinance, and any constitutional county officer under s. 1(d), Art. VIII of the State Constitution of 1968 may by contract agreement or other documentation constituting approval, adopt and establish for itself and its employees a deferred compensation program. The ordinance shall designate an appropriate official of

the state, county, municipality, or political subdivision to approve and administer a deferred compensation plan or otherwise provide for such approval and administration. The ordinance shall also designate a public official or body to make the determinations provided for in paragraph (6)(b). If a constitutional county officer elects to adopt and establish for that office and its employees a deferred compensation program, the constitutional county officer shall be the appropriate official to make the determinations provided for in this subsection and in paragraph (6)(b).

1 A bill to be entitled
2 An act relating to the wireless emergency telephone
3 system; amending s. 11.45, F.S.; removing the annual audit
4 of the Wireless Emergency Telephone System Fund from the
5 duties of the Auditor General; amending s. 364.02, F.S.;
6 revising fee schedules for providers of interexchange
7 telecommunications services; amending s. 365.172, F.S.;
8 adding definitions relating to wireless telephone
9 communications; revising duties of the Wireless 911 Board;
10 requiring the hiring of an executive director and an
11 independent, private attorney; providing legislative
12 intent regarding the emergency wireless telephone system;
13 providing standards for local governments to follow when
14 regulating the placement, construction, or modification of
15 a wireless communications facility; directing local
16 governments to grant or deny properly completed
17 applications within specified time periods; providing
18 procedures for a provider of wireless communications
19 services to submit an application for local approval;
20 directing local governments to notify a provider in
21 writing of the deficiencies in an application; directing
22 local governments to notify a provider in writing whether
23 the resubmission of information properly completes the
24 application; permitting local governments to continue
25 requesting information until the application deficiencies
26 are cured; providing for a limited review by a local
27 government of an accessory wireless communications
28 facility; prohibiting local governments from imposing
29 certain restrictions on wireless communications
30 facilities; providing that a person who is adversely
31 affected by a decision of a local government relating to a
32 wireless communications facility may bring an action
33 within a specified period; providing for the computation
34 of the time period; amending s. 365.173, F.S.; directing
35 how a county may use funds derived from the E911 fee;
36 requiring the board of county commissioners to appropriate
37 the funds to the proper uses; removing the requirement
38 that the Auditor General annually audit the E911 fund;
39 amending s. 337.401, F.S.; requiring municipalities and
40 counties to treat communications services providers in a
41 manner that is competitively neutral and nondiscriminatory

42 when using public roads and rights-of-ways; prohibiting
43 municipalities and counties from requiring communications
44 services providers to obtain a license or franchise from
45 the municipality or county; providing an effective date.
46

47 Be It Enacted by the Legislature of the State of Florida:
48

49 Section 1. Subsection (2) of section 11.45, Florida
50 Statutes, is amended to read:

51 11.45 Definitions; duties; authorities; reports; rules.--

52 (2) DUTIES.--The Auditor General shall:

53 (a) Conduct audits of records and perform related duties
54 as prescribed by law, concurrent resolution of the Legislature,
55 or as directed by the Legislative Auditing Committee.

56 (b) Annually conduct a financial audit of state
57 government.

58 (c) Annually conduct financial audits of all universities
59 and district boards of trustees of community colleges.

60 (d) Annually conduct financial audits of the accounts and
61 records of all district school boards in counties with
62 populations of fewer than 150,000, according to the most recent
63 federal decennial statewide census.

64 ~~(e) Annually conduct an audit of the Wireless Emergency~~
65 ~~Telephone System Fund as described in s. 365.173.~~

66 ~~(e)(f)~~ Annually conduct audits of the accounts and records
67 of the Florida School for the Deaf and the Blind.

68 ~~(f)(g)~~ At least every 2 years, conduct operational audits
69 of the accounts and records of state agencies and universities.
70 In connection with these audits, the Auditor General shall give
71 appropriate consideration to reports issued by state agencies'
72 inspectors general or universities' inspectors general and the
73 resolution of findings therein.

74 ~~(g)(h)~~ At least every 2 years, conduct a performance audit
75 of the local government financial reporting system, which, for
76 the purpose of this chapter, means any statutory provisions
77 related to local government financial reporting. The purpose of
78 such an audit is to determine the accuracy, efficiency, and
79 effectiveness of the reporting system in achieving its goals and
80 to make recommendations to the local governments, the Governor,
81 and the Legislature as to how the reporting system can be
82 improved and how program costs can be reduced. The Auditor
83 General shall determine the scope of such audits. The local
84 government financial reporting system should provide for the
85 timely, accurate, uniform, and cost-effective accumulation of

86 financial and other information that can be used by the members
87 of the Legislature and other appropriate officials to accomplish
88 the following goals:

- 89 1. Enhance citizen participation in local government;
- 90 2. Improve the financial condition of local governments;
- 91 3. Provide essential government services in an efficient
92 and effective manner; and
- 93 4. Improve decisionmaking on the part of the Legislature,
94 state agencies, and local government officials on matters
95 relating to local government.

96 ~~(h)~~(i) Once every 3 years, conduct performance audits of
97 the Department of Revenue's administration of the ad valorem tax
98 laws as described in s. 195.096.

99 ~~(i)~~(j) Once every 3 years, conduct financial audits of the
100 accounts and records of all district school boards in counties
101 with populations of 125,000 or more, according to the most
102 recent federal decennial statewide census.

103 ~~(j)~~(k) Once every 3 years, review a sample of each state
104 agency's internal audit reports to determine compliance with
105 current Standards for the Professional Practice of Internal
106 Auditing or, if appropriate, government auditing standards.

107 ~~(k)~~(l) Conduct audits of local governmental entities when
108 determined to be necessary by the Auditor General, when directed
109 by the Legislative Auditing Committee, or when otherwise
110 required by law. No later than 18 months after the release of
111 the audit report, the Auditor General shall perform such
112 appropriate followup procedures as he or she deems necessary to
113 determine the audited entity's progress in addressing the
114 findings and recommendations contained within the Auditor
115 General's previous report. The Auditor General shall provide a
116 copy of his or her determination to each member of the audited
117 entity's governing body and to the Legislative Auditing
118 Committee.

119
120 The Auditor General shall perform his or her duties
121 independently but under the general policies established by the
122 Legislative Auditing Committee. This subsection does not limit
123 the Auditor General's discretionary authority to conduct other
124 audits or engagements of governmental entities as authorized in
125 subsection (3).

126 Section 2. Subsection (13) of section 364.02, Florida
127 Statutes, is amended to read:

128 364.02 Definitions.--As used in this chapter:

129 (13) "Telecommunications company" includes every

130 corporation, partnership, and person and their lessees,
131 trustees, or receivers appointed by any court whatsoever, and
132 every political subdivision in the state, offering two-way
133 telecommunications service to the public for hire within this
134 state by the use of a telecommunications facility. The term
135 "telecommunications company" does not include:

- 136 (a) An entity which provides a telecommunications facility
137 exclusively to a certificated telecommunications company;
- 138 (b) An entity which provides a telecommunications facility
139 exclusively to a company which is excluded from the definition
140 of a telecommunications company under this subsection;
- 141 (c) A commercial mobile radio service provider;
- 142 (d) A facsimile transmission service;
- 143 (e) A private computer data network company not offering
144 service to the public for hire;
- 145 (f) A cable television company providing cable service as
146 defined in 47 U.S.C. s. 522; or
- 147 (g) An intrastate interexchange telecommunications
148 company.

149
150 However, each commercial mobile radio service provider and each
151 intrastate interexchange telecommunications company shall
152 continue to be liable for any taxes imposed under pursuant to
153 chapters 202, 203 and 212 and any fees assessed under s. 364.025
154 pursuant to ss. 364.025 and 364.336. Each intrastate
155 interexchange telecommunications company shall continue to be
156 subject to ss. 364.04, 364.10(3)(a) and (d), 364.163, 364.285,
157 364.336, 364.501, 364.603, and 364.604, shall provide the
158 commission with the such current information as the commission
159 deems necessary to contact and communicate with the company,
160 shall continue to pay intrastate switched network access rates
161 or other intercarrier compensation to the local exchange
162 telecommunications company or the competitive local exchange
163 telecommunications company for the origination and termination
164 of interexchange telecommunications service, and shall reduce
165 its intrastate long distance toll rates in accordance with s.
166 364.163(2).

167 Section 3. Subsections (3), (6), and (11) and paragraph
168 (a) of subsection (8) of section 365.172, Florida Statutes, are
169 amended to read:

170 365.172 Wireless emergency telephone number "E911."--

171 (3) DEFINITIONS.--As used in this section and ss. 365.173
172 and 365.174, the term:

- 173 (a) "Active prepaid wireless telephone" means a prepaid

174 wireless telephone that has been used by the customer during the
175 month to complete a telephone call for which the customer's card
176 or balance was decremented.

177 (b) "Administrative review" means the nondiscretionary
178 review conducted by local governmental staff for compliance with
179 local government ordinances, but does not include a public
180 hearing or review of public input.

181 (c)(b) "Answering point" means the public safety agency
182 that receives incoming 911 calls and dispatches appropriate
183 public safety agencies to respond to the such calls.

184 (d)(e) "Automatic location identification" means the
185 capability of the E911 service which enables the automatic
186 display of information that defines the approximate geographic
187 location of the wireless telephone used to place a 911 call.

188 (e)(d) "Automatic number identification" means the
189 capability of the E911 service which enables the automatic
190 display of the 10-digit service number used to place a 911 call.

191 (f)(e) "Board" means the board of directors of the
192 Wireless 911 Board.

193 (g)(f) "Office" means the State Technology Office.

194 (h) "Building-permit review" means a review for compliance
195 with building construction standards adopted by the local
196 government under chapter 553 and does not include a review for
197 compliance with land development regulations.

198 (i) "Collocation" means the situation when a second or
199 subsequent wireless provider uses an existing structure to
200 locate a second or subsequent antenna. The term includes the
201 ground, platform, or roof installation of equipment enclosures,
202 cabinets, or buildings, and cables, brackets, and other
203 equipment associated with the location and operation of the
204 antennas. A collocation shall not be considered a modification
205 to an existing structure which subjects the structure to greater
206 than building-permit review or which constitutes an
207 impermissible modification of a nonconforming structure.

208 (j)(g) "E911" is the designation for a wireless enhanced
209 911 system or wireless enhanced 911 service that is an emergency
210 telephone system or service that provides a subscriber with
211 wireless 911 service and, in addition, directs 911 calls to
212 appropriate public safety answering points by selective routing
213 based on the geographical location from which the call
214 originated, or as otherwise provided in the state plan under s.
215 365.171, and that provides for automatic number identification
216 and automatic location-identification features in accordance
217 with the requirements of the order.

218 (k) "Existing structure" means a structure that exists at
219 the time an application for permission to place antennas on a
220 structure is filed with a local government. The term includes
221 any structure that can support the attachment of antennas,
222 including, but not limited to, towers, buildings, utility
223 structures, light poles, water towers, clock towers, bell
224 towers, and steeples.

225 (1)(h) "Fee" means the E911 fee imposed under subsection
226 (8).

227 (m)(+) "Fund" means the Wireless Emergency Telephone
228 System Fund established in s. 365.173 and maintained under this
229 section for the purpose of recovering the costs associated with
230 providing 911 service or E911 service, including the costs of
231 implementing the order.

232 (n) "Land-development regulation" means any ordinance
233 enacted by a local governing body for the regulation of any
234 aspect of development, including an ordinance governing zoning,
235 subdivisions, landscaping, tree protection, or signs, or any
236 other ordinance concerning any aspect of the development of
237 land. The term does not include any building-construction
238 standard adopted under and in compliance with chapter 553.

239 (o)(+) "Local exchange carrier" means a "competitive local
240 exchange telecommunications company" or a "local exchange
241 telecommunications company" as defined in s. 364.02.

242 (p)(k) "Local government" means any municipality, county,
243 or political subdivision or agency of a municipality, county, or
244 political subdivision.

245 (q)(+) "Mobile telephone number" or "MTN" means the
246 telephone number assigned to a wireless telephone at the time of
247 initial activation.

248 (r)(m) "Order" means:

249 1. The following orders and rules of the Federal
250 Communications Commission issued in FCC Docket No. 94-102:

251 a. Order adopted on June 12, 1996, with an effective date
252 of October 1, 1996, the amendments to s. 20.03 and the creation
253 of s. 20.18 of Title 47 of the Code of Federal Regulations
254 adopted by the Federal Communications Commission pursuant to the
255 such order.

256 b. Memorandum and Order No. FCC 97-402 adopted on December
257 23, 1997.

258 c. Order No. FCC DA 98-2323 adopted on November 13, 1998.

259 d. Order No. FCC 98-345 adopted December 31, 1998.

260 2. Orders and rules subsequently adopted by the Federal
261 Communications Commission relating to the provision of wireless

262 911 services.

263 ~~(s)~~(e) "Prepaid wireless telephone service" means wireless
264 telephone service that is activated in advance by payment for a
265 finite dollar amount of service or for a finite set of minutes
266 that terminate either upon use by a customer and delivery by the
267 wireless provider of an agreed-upon amount of service
268 corresponding to the total dollar amount paid in advance or
269 within a certain period of time following the initial purchase
270 or activation, unless additional payments are made.

271 ~~(t)~~(n) "Provider" or "wireless provider" means a person or
272 entity who provides service and either:

- 273 1. Is subject to the requirements of the order; or
- 274 2. Elects to provide wireless 911 service or E911 service
275 in this state.

276 ~~(u)~~(p) "Public agency" means the state and any
277 municipality, county, municipal corporation, or other
278 governmental entity, public district, or public authority
279 located in whole or in part within this state which provides, or
280 has authority to provide, firefighting, law enforcement,
281 ambulance, medical, or other emergency services.

282 ~~(v)~~(q) "Public safety agency" means a functional division
283 of a public agency which provides firefighting, law enforcement,
284 medical, or other emergency services.

285 ~~(w)~~(r) "Rural county" means any county that has a
286 population of fewer than 75,000.

287 ~~(x)~~(s) "Service" means "commercial mobile radio service"
288 as provided under ss. 3(27) and 332(d) of the Federal
289 Telecommunications Act of 1996, 47 U.S.C., ss. 151 et seq., and
290 the Omnibus Budget Reconciliation Act of 1993, Pub. L. No. 103-
291 66, August 10, 1993, 107 Stat. 312. The term "service" includes
292 the term "wireless" and service provided by any wireless real-
293 time two-way wire communication device, including radio-
294 telephone communications used in cellular telephone service;
295 personal communications service; or the functional or
296 competitive equivalent of a radio-telephone communications line
297 used in cellular telephone service, a personal communications
298 service, or a network radio access line. The term does not
299 include wireless providers that offer mainly dispatch service in
300 a more localized, noncellular configuration; providers offering
301 only data, one-way, or stored-voice services on an
302 interconnected basis; providers of air-to-ground services; or
303 public coast stations.

304 ~~(y)~~(t) "Service number" means the unique 10-digit wireless
305 telephone number assigned to a service subscriber.

306 ~~(z)~~(u) "Sufficient positive balance" means a dollar amount
307 greater than or equal to the monthly wireless surcharge amount.

308 (aa) "Tower" means any structure designed primarily to
309 support a wireless provider's antenna.

310 (bb) "Wireless communications facility" means any
311 equipment or facility used to provide service, and may include,
312 but is not limited to, antennas, towers, equipment enclosures,
313 cabling, antenna brackets, and other such equipment. Placing a
314 wireless communications facility on an existing structure does
315 not cause the existing structure to become a wireless
316 communications facility.

317 (cc) "Wireless communications site" means only the area on
318 the roof, structure, or ground which is designed, intended to be
319 used, or is used for the location of a wireless communications
320 facility, and any fencing and landscaping provided in
321 association with the wireless communications facility.

322 (dd)(v) "Wireless 911 system" or "wireless 911 service"
323 means an emergency telephone system or service that provides a
324 subscriber with the ability to reach an answering point by
325 dialing the digits "911." A wireless 911 system is complementary
326 to a wired 911 system as provided for in s. 365.171.

327 (6) AUTHORITY OF THE BOARD; ANNUAL REPORT.--

328 (a) The board shall:

329 1. Administer the E911 fee.
330 2. Implement, maintain, and oversee the fund.
331 3. Review and oversee the disbursement of the revenues
332 deposited into the fund as provided in s. 365.173. The board may
333 establish a schedule for implementing wireless E911 service by
334 service area, and prioritize disbursements of revenues from the
335 fund to providers and rural counties as provided in s.
336 365.173(2)(b) and (c) pursuant to the schedule, in order to
337 implement E911 services in the most efficient and cost-effective
338 manner.

339 4. Review documentation submitted by providers which
340 reflects current and projected funds derived from the E911 fee,
341 and the expenses incurred and expected to be incurred, in order
342 to comply with the E911 service requirements contained in the
343 order for the purposes of:

344 a. Ensuring that providers receive fair and equitable
345 distributions of funds from the fund.

346 b. Ensuring that providers are not provided disbursements
347 from the fund which exceed the costs of providing E911 service,
348 including the costs of complying with the order.

349 c. Ascertaining the projected costs of compliance with the

350 requirements of the order and projected collections of the E911
351 fee.

352 d. Implementing changes to the allocation percentages or
353 reducing the E911 fee under paragraph (8)(c).

354 5. Review and approve or reject, in whole or in part,
355 applications submitted by providers for recovery of moneys
356 deposited into the fund.

357 6. Hire and retain employees, which may include an
358 independent executive director who shall possess experience in
359 the area of telecommunications and emergency 911 issues, for the
360 purposes of performing the technical and administrative
361 functions for the board.

362 7. Make and enter into contracts, pursuant to chapter 287,
363 and execute other instruments necessary or convenient for the
364 exercise of the powers and functions of the board.

365 8. Take all necessary and reasonable steps by July 1,
366 2000, to secure appropriate information and reports from
367 providers and otherwise perform all of the functions that would
368 be performed by an independent accounting firm prior to
369 completing the request-for-proposals process under subsection
370 (7).

371 9. Sue and be sued, and appear and defend in all actions
372 and proceedings, in its corporate name to the same extent as a
373 natural person.

374 10. Adopt, use, and alter a common corporate seal.

375 11. Elect or appoint the officers and agents that are
376 required by the affairs of the board.

377 12. The board may adopt rules under ss. 120.536(1) and
378 120.54 to implement this section and ss. 365.173 and 365.174.

379 13. Provide coordination, support, and technical
380 assistance to counties to promote the deployment of advanced 911
381 and E911 systems in the state.

382 14. Provide coordination and support for educational
383 opportunities related to 911 issues for the 911 community in
384 this state.

385 15. Act as an advocate for issues related to 911 system
386 functions, features, and operations to improve the delivery of
387 911 services to the residents of and visitors to this state.

388 16. Coordinate input from this state at national forums
389 and associations, to ensure that policies related to 911 systems
390 and services are consistent with the policies of the 911
391 community in this state.

392 17. Work cooperatively with the system director
393 established in s. 365.171(5) to enhance the state of 911

394 services in this state and to provide unified leadership for all
395 911 issues through planning and coordination.

396 18. Do all acts and things necessary or convenient to
397 carry out the powers granted in this section, including but not
398 limited to, consideration of emerging technology and related
399 cost savings.

400 19. Have the authority to secure the services of an
401 independent, private attorney via invitation to bid, request for
402 proposals, invitation to negotiate, or professional contracts
403 for legal services already established at the Division of
404 Purchasing of the Department of Management Services.

405 (b) Board members shall serve without compensation;
406 however, members are entitled to per diem and travel expenses as
407 provided in s. 112.061.

408 (c) By February 28 of each year, the board shall prepare a
409 report for submission by the office to the Governor, the
410 President of the Senate, and the Speaker of the House of
411 Representatives which reflects, for the immediately preceding
412 calendar year, the quarterly and annual receipts and
413 disbursements of moneys in the fund, the purposes for which
414 disbursements of moneys from the fund have been made, and the
415 availability and status of implementation of E911 service in
416 this state.

417 (d) By February 28, 2001, the board shall undertake and
418 complete a study for submission by the office to the Governor,
419 the President of the Senate, and the Speaker of the House of
420 Representatives which addresses:

421 1. The total amount of E911 fee revenues collected by each
422 provider, the total amount of expenses incurred by each provider
423 to comply with the order, and the amount of moneys on deposit in
424 the fund, all as of December 1, 2000.

425 2. Whether the amount of the E911 fee and the allocation
426 percentages set forth in s. 365.173 should be adjusted to comply
427 with the requirements of the order, and, if so, a recommended
428 adjustment to the E911 fee.

429 3. Any other issues related to providing wireless E911
430 services.

431 (8) WIRELESS E911 FEE.--

432 (a) Each home service provider shall collect a monthly fee
433 imposed on each customer whose place of primary use is within
434 this state. For purposes of this section, the state and local
435 governments are not customers. The rate of the fee shall be 50
436 cents per month per each service number, beginning August 1,
437 1999. The fee shall apply uniformly and be imposed throughout

438 the state.

439 (11) FACILITATING E911 SERVICE IMPLEMENTATION.--In order
440 to balance the public need for reliable E911 services through
441 reliable wireless systems with the public interest served by
442 governmental zoning and land development regulations and
443 notwithstanding any other law or local ordinance to the
444 contrary, the following standards shall apply to a local
445 government's regulation of the placement, construction, or
446 modification of a wireless communications facility:

447 (a)1. Collocation ~~Coloecation~~ among wireless ~~telephone~~
448 ~~serviee~~ providers is encouraged by the state. Collocations that
449 do not increase the height of the structure to which the
450 antennas are to be attached, measured to the highest point of
451 any part of the structure or any appurtenance attached to the
452 structure, and consist of antennas, equipment enclosures, and
453 ancillary facilities that are of a design and configuration
454 consistent with all applicable restrictions or conditions
455 applied to the first antenna placement on the structure and, if
456 applicable, applied to the structure supporting the antennas,
457 are To further facilitate agreements among providers for
458 colocation of their facilities, any antennae and related
459 equipment to service the antennae that is being collocated on an
460 existing above-ground structure is not subject to land
461 development regulation and are subject to building-permit review
462 only pursuant to s. 163.3202, provided the height of the
463 existing structure is not increased. However, construction of
464 the antennae and related equipment is subject to local building
465 regulations and to any applicable existing permits or agreements
466 for the such property, buildings, or structures. However,
467 restrictions, conditions, permits, or agreements imposed by a
468 local government, acting in its regulatory capacity, which are
469 inconsistent with this section do not apply to the collocations.
470 If some portion of the collocation does not meet the
471 requirements of this paragraph, that portion only may be
472 reviewed under the local government's regulation for a first
473 placement of that portion of the facility. Nothing herein shall
474 relieve the permitholder for or owner of the existing structure
475 of compliance with any applicable condition or requirement of a
476 permit, agreement, or land development regulation, including any
477 aesthetic requirements, or law.

478 2. An existing tower, including a nonconforming tower, may
479 be structurally modified in order to permit collocation or may
480 be replaced through no more than administrative review and
481 building-permit review if the overall height of the tower is not

482 increased and, if a replacement, the replacement tower is a
483 monopole tower or, if the existing tower is a camouflaged tower,
484 the replacement tower is a like-camouflaged tower.

485 (b)1. A local government is limited when evaluating a
486 wireless provider's application for placement of a wireless
487 communications facility to issues concerning land development
488 and zoning. A local government may not request information on or
489 review, consider, or evaluate a wireless provider's business
490 need for a specific location for a wireless communications site
491 or the need for wireless service to be provided from a
492 particular site unless the wireless provider voluntarily offers
493 this information to the local government. A local government may
494 not request information on or review, consider, or evaluate the
495 wireless provider's service quality or the network design of the
496 wireless service unless the information or materials are
497 directly related to an identified land development or zoning
498 issue or unless the wireless provider voluntarily offers the
499 information.

500 2. The setback or distance separation required of a tower
501 may not exceed the minimum distance necessary to satisfy the
502 structural safety or aesthetic concerns that are protected by
503 the setback or distance separation.

504 3. A local government may exclude the placement of
505 wireless communications facilities in a residential area or
506 residential zoning district only if the provider can reasonably
507 provide its designed service to the residential area or zone
508 from outside the residential area or zone in a manner consistent
509 with the provider's network design. Exclusion from the
510 residential area may not prohibit or have the effect of
511 prohibiting the provider's service through a technological,
512 structural, economic, practical, or other prohibition or
513 unreasonably discriminate among providers of functionally
514 equivalent services. If the exclusion cannot exist in a
515 residential area or residential zone, the local government and
516 provider must work cooperatively to approve the appropriate
517 structure design in the residential area or residential zone,
518 consistent with the community and the provision of the
519 provider's service. If the communications facilities are
520 excluded from the residential area or zone, the local government
521 and provider must cooperatively work to approve the appropriate
522 location and structural design in a way that is consistent with
523 the community and the provision of the provider's service.

524 4. A local government may impose a fee, surety, or
525 insurance requirement on a wireless provider when applying to

526 place, construct, or modify a wireless communications facility
527 only if a similar fee, surty, or insurance requirement is also
528 imposed on applicants seeking similar types of zoning, land use,
529 or building-permit review. Fees for review of applications for
530 wireless communications facilities by consultants or experts who
531 are engaged to review general zoning and land use matters on
532 behalf of the local government may be recovered, but only if the
533 recovery is routinely sought from applicants seeking a similar
534 level of review for zoning or land-development approvals, and
535 any fees must be reasonable.

536 5. A local government may not impose structural or
537 construction standards on the placement, construction, or
538 modification of wireless communications facilities beyond those
539 adopted by the local government under chapter 553 which apply to
540 all similar types of construction or require information on
541 compliance with the extraordinary standards. However, local
542 governments may request, but not require, that wireless
543 communication facilities be placed, constructed, and modified in
544 accordance with accepted trade construction standards, such as
545 EIA/TIA standards.

546 (c)(b) Local governments may shall not require wireless
547 providers to provide evidence of a wireless communications
548 facility's compliance with federal regulations, except evidence
549 of compliance with applicable Federal Aviation Administration
550 requirements under 14 C.F.R. s. 77, as amended. However, local
551 governments may request shall receive evidence of proper Federal
552 Communications Commission licensure or other evidence of Federal
553 Communications Commission authorized spectrum use from a
554 wireless provider and may request the Federal Communications
555 Commission to provide information as to a wireless provider's
556 compliance with federal regulations, as authorized by federal
557 law.

558 (d)(e)1. A local government shall grant or deny each a
559 properly completed application for a collocation under
560 subparagraph (11)(a)1. within the normal timeframe for a similar
561 building permit review but in no case later than a permit,
562 including permits under paragraph (a), for the collocation of a
563 wireless communications facility on property, buildings, or
564 structures within the local government's jurisdiction within 45
565 business days after the date the properly completed application
566 is determined to be properly completed initially submitted in
567 accordance with this paragraph the applicable local government
568 application procedures, provided that such permit complies with
569 applicable federal regulations and applicable local zoning or

570 ~~land development regulations, including any aesthetic~~
571 ~~requirements. Local building regulations shall apply.~~

572 2. A local government shall grant or deny each a properly
573 completed application for any other wireless communications
574 facility within the normal timeframe for a similar building
575 permit review but in no case later than a permit for the siting
576 of a new wireless tower or antenna on property, buildings, or
577 structures within the local government's jurisdiction within 90
578 business days after the date the properly completed application
579 is determined to be properly completed initially submitted in
580 accordance with this paragraph the applicable local government
581 application procedures, provided that such permit complies with
582 applicable federal regulations and applicable local zoning or
583 land development regulations, including any aesthetic
584 requirements. The building-permit review portion of the local
585 government review must be completed within the normal timeframe
586 for a similar building permit review but in no case later than
587 45 business days after the application is completed. Local
588 building regulations shall apply.

589 3.a. An application is deemed submitted or resubmitted on
590 the date the application is received by the local government.
591 The local government shall notify the permit applicant, in
592 writing, within 20 business days after the date the application
593 is initially submitted as to whether the application is, for
594 administrative purposes only, properly completed and has been
595 properly submitted. However, the such determination shall not be
596 deemed as an approval of the application. If the application is
597 not completed in compliance with the local government's
598 regulations, the such notification must shall indicate with
599 specificity any deficiencies in the required documents or
600 deficiencies in the content of the required documents which, if
601 cured, shall make the application properly completed. Upon
602 resubmission of information to cure the stated deficiencies, the
603 local government shall notify the applicant, in writing, within
604 20 business days after the additional information is submitted
605 whether the application is properly completed or if there are
606 any remaining deficiencies that must be cured. Any deficiencies
607 in document type or content not specified by the local
608 government do not make an application incomplete and are waived.
609 Notwithstanding this sub-subparagraph, if a specified deficiency
610 is not properly cured when the applicant resubmits its
611 application to comply with the notice of deficiencies, the local
612 government may continue to request the information until such
613 time as the specified deficiency is cured.

614 b. If the local government fails to grant or deny a
615 properly completed application for a wireless communications
616 facility permit which has been properly submitted within the
617 timeframes set forth in this paragraph, the application
618 paragraph, the permit shall be deemed automatically approved and
619 the applicant provider may proceed with placement of the such
620 facilities without interference or penalty. The timeframes
621 specified in subparagraph subparagraphs 1. and 2. may shall be
622 extended only to the extent that the application permit has not
623 been granted or denied because the local government's procedures
624 generally applicable to all applications permits, require action
625 by the governing body and such action has not taken place within
626 the timeframes specified in subparagraph subparagraphs 1. and 2.
627 Under these such circumstances, the local government must act to
628 either grant or deny the application permit at its next
629 regularly scheduled meeting or, otherwise, the application is
630 permit shall be deemed to be automatically approved.

631 c. To be effective, a waiver of the timeframes set forth
632 in this paragraph herein must be voluntarily agreed to by the
633 applicant and the local government. A local government may
634 request, but not require, a waiver of the timeframes by the
635 applicant an entity seeking a permit, except that, with respect
636 to a specific permit, a one-time waiver may be required in the
637 case of a declared local, state, or federal emergency that
638 directly affects the administration of all permitting activities
639 of the local government.

640 (d) ~~Any additional wireless communications facilities;~~
641 ~~such as communication cables, adjacent accessory structures, or~~
642 ~~adjacent accessory equipment used in the provision of cellular,~~
643 ~~enhanced specialized mobile radio, or personal communications~~
644 ~~services, required within the existing secured equipment~~
645 ~~compound within the existing site shall be deemed a permitted~~
646 ~~use or activity. Local building and land development~~
647 ~~regulations, including any aesthetic requirements, shall apply.~~

648 (e) A local government may not impose square footage or
649 height limitations on equipment enclosures, cabinets, or
650 buildings inconsistent with those required for other structures
651 in the same zoning district. This paragraph supersedes any
652 existing limitation imposed on equipment enclosures, cabinets,
653 or buildings by ordinance, resolution, or land development
654 regulation.

655 (f) The replacement of or modification to a wireless
656 communications facility, except a tower, that results in a
657 wireless communications facility of similar size, type, and

658 appearance and the replacement or modification of equipment that
659 is not visible from outside the wireless communications site are
660 subject to no more than applicable building-permit review.

661 (g)(e) Any other provision of law to the contrary
662 notwithstanding, the Department of Management Services shall
663 negotiate, in the name of the state, leases for wireless
664 communications facilities that provide access to state
665 government-owned property not acquired for transportation
666 purposes, and the Department of Transportation shall negotiate,
667 in the name of the state, leases for wireless communications
668 facilities that provide access to property acquired for state
669 rights-of-way. On property acquired for transportation purposes,
670 leases shall be granted in accordance with s. 337.251. On other
671 state government-owned property, leases shall be granted on a
672 space available, first-come, first-served basis. Payments
673 required by state government under a lease must be reasonable
674 and must reflect the market rate for the use of the state
675 government-owned property. The Department of Management Services
676 and the Department of Transportation are authorized to adopt
677 rules for the terms and conditions and granting of any such
678 leases.

679 (h) Any person adversely affected by any action or failure
680 to act by a local government which is inconsistent with this
681 subsection may bring an action in a court of competent
682 jurisdiction within 30 days after the action or the failure to
683 act. The court shall consider the matter on an expedited basis.

684 ~~(f) Any wireless telephone service provider may report to~~
685 ~~the board no later than September 1, 2003, the specific~~
686 ~~locations or general areas within a county or municipality where~~
687 ~~the provider has experienced unreasonable delay to locate~~
688 ~~wireless telecommunications facilities necessary to provide the~~
689 ~~needed coverage for compliance with federal Phase II E911~~
690 ~~requirements using its own network. The provider shall also~~
691 ~~provide this information to the specifically identified county~~
692 ~~or municipality no later than September 1, 2003. Unless the~~
693 ~~board receives no report that unreasonable delays have occurred,~~
694 ~~the board shall, no later than September 30, 2003, establish a~~
695 ~~subcommittee responsible for developing a balanced approach~~
696 ~~between the ability of providers to locate wireless facilities~~
697 ~~necessary to comply with federal Phase II E911 requirements~~
698 ~~using the carrier's own network and the desire of counties and~~
699 ~~municipalities to zone and regulate land uses to achieve public~~
700 ~~welfare goals. If a subcommittee is established, it shall~~
701 ~~include representatives from the Florida Telecommunications~~

702 ~~Industry Association, the Florida Association of Counties, and~~
703 ~~the Florida League of Cities. The subcommittee shall be charged~~
704 ~~with developing recommendations for the board and any~~
705 ~~specifically identified municipality or county to consider~~
706 ~~regarding actions to be taken for compliance for federal Phase~~
707 ~~II E911 requirements. In the annual report due to the Governor~~
708 ~~and the Legislature by February 28, 2004, the board shall~~
709 ~~include any recommendations developed by the subcommittee to~~
710 ~~address compliance with federal Phase II E911 requirements.~~

711 Section 4. Subsections (2) and (3) of section 365.173,
712 Florida Statutes, are amended to read:

713 365.173 Wireless Emergency Telephone System Fund.--

714 (2) Subject to any modifications approved by the board
715 pursuant to s. 365.172(8)(c), the moneys in the fund shall be
716 distributed and used only as follows:

717 (a) Forty-four percent of the moneys shall be distributed
718 each month to counties, based on the total number of wireless
719 subscriber billing addresses in each county, for payment of:

720 1. Recurring costs of providing 911 or E911 service, as
721 provided by s. 365.171(13)(a)6.

722 2. Costs to comply with the requirements for E911 service
723 contained in the order and any future rules related to the
724 order.

725
726 Any county that receives funds under this paragraph shall
727 establish a fund to be used exclusively for the receipt and
728 expenditure of the revenues collected under this paragraph. All
729 fees placed in the fund and any interest accrued shall be used
730 solely for costs described in subparagraphs 1. and 2. The money
731 collected and interest earned in this fund shall be appropriated
732 for these purposes by the county commissioners and incorporated
733 into the annual county budget. The fund shall be included within
734 the financial audit performed in accordance with s. 218.39. A
735 county may carry forward the, for up to 3 successive calendar
736 years, up to 30 percent of the total funds disbursed to the
737 county by the board during a calendar year for expenditures for
738 capital outlay, capital improvements, or equipment replacement,
739 if the such expenditures are made for the purposes specified in
740 this paragraph.

741 (b) Fifty-four percent of the moneys shall be distributed
742 in response to sworn invoices submitted to the board by
743 providers to reimburse such providers for the actual costs
744 incurred to provide 911 or E911 service, including the costs of
745 complying with the order. Such costs include costs and expenses

746 incurred by providers to design, purchase, lease, program,
747 install, test, upgrade, operate, and maintain all necessary
748 data, hardware, and software required to provide E911 service.
749 Up to 2 percent of the funds allocated to providers shall be
750 retained by the board to be applied to costs and expenses
751 incurred for the purposes of managing, administering, and
752 overseeing the receipts and disbursements from the fund and
753 other activities as defined in s. 365.172(6). Any funds retained
754 for such purposes in a calendar year which are not applied to
755 such costs and expenses by March 31 of the following year shall
756 be distributed to providers pursuant to this paragraph.
757 Beginning in state fiscal year 2000-2001, each provider shall
758 submit to the board, by August 1 of each year, a detailed
759 estimate of the capital and operating expenses for which it
760 anticipates that it will seek reimbursement under this paragraph
761 during the ensuing state fiscal year. By September 15 of each
762 year, the board shall submit to the Legislature its legislative
763 budget request for funds to be allocated to providers under this
764 paragraph during the ensuing state fiscal year. The budget
765 request shall be based on the information submitted by the
766 providers and estimated surcharge revenues. Distributions of
767 moneys in the fund by the board to providers must be fair and
768 nondiscriminatory. If the total amount of moneys requested by
769 providers pursuant to invoices submitted to the board and
770 approved for payment exceeds the amount in the fund in any
771 month, providers that have invoices approved for payment shall
772 receive a pro rata share of moneys in the fund and the balance
773 of the payments shall be carried over to the following month or
774 months until all of the approved payments are made. The board
775 may adopt rules necessary to address the manner in which pro
776 rata distributions are made when the total amount of funds
777 requested by providers pursuant to invoices submitted to the
778 board exceeds the total amount of moneys on deposit in the fund.

779 (c) Two percent of the moneys shall be used to make
780 monthly distributions to rural counties for the purpose of
781 providing facilities and network and service enhancements and
782 assistance for the 911 or E911 systems operated by rural
783 counties and for the provision of reimbursable loans and grants
784 by the office to rural counties for upgrading 911 systems.
785

786 The Legislature recognizes that the wireless E911 fee authorized
787 under s. 365.172 will not necessarily provide the total funding
788 required for establishing or providing the 911 service. It is
789 the intent of the Legislature that all revenue from the fee be

790 used as specified in s. 365.171(13)(a)6.

791 ~~(3) The Auditor General shall annually audit the fund to~~
792 ~~ensure that moneys in the fund are being managed in accordance~~
793 ~~with this section and s. 365.172. The Auditor General shall~~
794 ~~provide a report of the annual audit to the board.~~

795 Section 5. Paragraph (a) of subsection (3) of section
796 337.401, Florida Statutes, is amended to read:

797 337.401 Use of right-of-way for utilities subject to
798 regulation; permit; fees.--

799 (3)(a)1. Because of the unique circumstances applicable to
800 providers of communications services, including, but not limited
801 to, the circumstances described in paragraph (e) and the fact
802 that federal and state law require the nondiscriminatory
803 treatment of providers of telecommunications services, and
804 because of the desire to promote competition among providers of
805 communications services, it is the intent of the Legislature
806 that municipalities and counties treat providers of
807 communications services in a nondiscriminatory and competitively
808 neutral manner when imposing rules or regulations governing the
809 placement or maintenance of communications facilities in the
810 public roads or rights-of-way. Rules or regulations imposed by a
811 municipality or county relating to providers of communications
812 services placing or maintaining communications facilities in its
813 roads or rights-of-way must be generally applicable to all
814 providers of communications services and, notwithstanding any
815 other law, may not require a provider of communications
816 services, except as otherwise provided in subparagraph 2., to
817 apply for or enter into an individual license, franchise, or
818 other agreement with the municipality or county as a condition
819 of placing or maintaining communications facilities in its roads
820 or rights-of-way. In addition to other reasonable rules or
821 regulations that a municipality or county may adopt relating to
822 the placement or maintenance of communications facilities in its
823 roads or rights-of-way under this subsection, a municipality or
824 county may require a provider of communications services that
825 places or seeks to place facilities in its roads or rights-of-
826 way to register with the municipality or county and to provide
827 the name of the registrant; the name, address, and telephone
828 number of a contact person for the registrant; the number of the
829 registrant's current certificate of authorization issued by the
830 Florida Public Service Commission or the Federal Communications
831 Commission; and proof of insurance or self-insuring status
832 adequate to defend and cover claims. Nothing in this
833 subparagraph is intended to limit or expand any existing zoning

834 or land use authority of a municipality or county; however, a
835 municipality or county shall exercise ~~no~~ such zoning or land use
836 authority so as to treat communications services providers in a
837 manner that is competitively neutral and nondiscriminatory in
838 the use of the public road and rights-of-way and may not require
839 an individual license, franchise, or other agreement as
840 prohibited by this subparagraph.

841 2. Notwithstanding the provisions of subparagraph 1., a
842 municipality or county may, as provided by 47 U.S.C. s. 541,
843 award one or more franchises within its jurisdiction for the
844 provision of cable service, and a provider of cable service
845 shall not provide cable service without such franchise. Each
846 municipality and county retains authority to negotiate all terms
847 and conditions of a cable service franchise allowed by federal
848 law and s. 166.046, except those terms and conditions related to
849 franchise fees and the definition of gross revenues or other
850 definitions or methodologies related to the payment or
851 assessment of franchise fees and permit fees as provided in
852 paragraph (c) on providers of cable services. A municipality or
853 county may exercise its right to require from providers of cable
854 service in-kind requirements, including, but not limited to,
855 institutional networks, and contributions for, or in support of,
856 the use or construction of public, educational, or governmental
857 access facilities to the extent permitted by federal law. A
858 provider of cable service may exercise its right to recover any
859 such expenses associated with such in-kind requirements, to the
860 extent permitted by federal law.

861 Section 6. This act shall take effect July 1, 2005.

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

Attachment B

Summary - January 18, 2005

Florida House Growth Management Legislative Committee Meeting

The Florida House Growth Management Legislative Committee received comment from local experts and the community regarding growth management issues in the State. Following are highlights of the comments and issues of concern provided by the audience:

(Chairman for myregion.org)

- Want state to support a regional effort
- Stress need for addressing issues of land use and transportation on a regional scale
- Stated that 7 counties and 85 cities make up the region

(Three Water Management Districts represented)

- Referenced HB715 as landmark legislation that is the water resource planning act, of which an alternative water supply development derived
- Water Management Districts are looking at cooperative efforts with local governments
- Provided information on the Tampa Bay desalinization plant and its success
- Stated that Florida has a lot of water, we're just running out of the cheapest supply
- Stated that water should not drive development, just how we plan for development
- Stated that regionalism and planning are key
- Do not want to stop growth, see their charge by the Governor as finding water sources and making such available

Representative Randy Johnson stated that the legislative committee will be rethinking the role of the Water Management Districts in the next 20 days.

(Commissioner Randy Morris for the Regional Planning Council (RPC))

- Stated that the DCA proposed legislation is step in right direction
- RPC is working with the DCA
- Questioned committee if regions would be redefined if decision making is going to be relegated to region/local government
- Stated there is a need to focus on long range planning and need for an indicator structure to evaluate progress
- Require links in planning issues such as water and transportation
- Regional policy plans
- If the State is not hearing issues as proposed by DCA, there is the question of funding for the regional responsibility
- Need a timeline that this can be done in an orderly fashion
- Said RPC's could be redesigned

- Called out annexation issue in the DCA proposal
- Said the RPC could make recommendation on quantification

Representative Randy Johnson called Commissioner Morris an advocate of the DCA Bill.

(Florida Association of Counties Chair)

- Stated that the Association is reviewing the proposed DCA legislation and will be weighing in on the issue

(Charles Lee)

- Not enough DCA staff to review plan amendments statewide
- DCA staff should only review "priority areas/concerns" defined in proposed legislation
- Issue of when concurrency runs out but development continues
- Need standard definition of concurrency
- WPPA good example of interaction for future uses around the State and of purposes of DCA

(Senator Lee Constantine)

- Referred to annexation Bill he has going through the 2005 Session as in the past two years
- Need to be more regional
- Growth management is a process, not a quick fix
- Growth management more a quality of life issue
- 1985 Growth Management Act just kicked-in in the 1990's
- 2002 Bill- land management coordinated with water supply; land management coordinated with school planning; waived concurrency for infill; question about annexation and delivery of service agreement-want this added to the new DCA Bill
- Wekiva Committee successes due to implementing strategy to accomplish recommendations; financial strategy (federal, state combining money); clear and decisive consent (23 to 1) and (106 to 0 at State level); resulted in the Wekiva Commission

(City of Orlando Commissioner)

- School issue- "K-8" program a good idea

Miscellaneous comments from others representing the Bartow area, Brevard County, Polk County:

- Dundee has raised impact fees in response to growth
- Restructuring of RPC's encouraged
- Annexation is an important issue to growth management issue- Brevard County mentioned the need for the State to offer support and options for holding cities accountable as far as taking over roads and services when they annex property

- Brevard County Commissioner supports concurrency and standardization of concurrency
- Polk County read a letter into the record from a County Commissioner stating concerns with grow management
- Emphasis on impacts of growth into rural areas

Representative Randy Johnson encouraged that anyone with additional comments or comments on the proposed legislation by DCA regarding growth management forward comments to the Committee within the next 20 days to Andrew.grayson@myfloridahouse.gov .

Senate Bill sb0748

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

Florida Senate - 2005

SB 748

By Senator Miller

18-178A-05

See HB 267

1 A bill to be entitled
2 An act relating to privately owned fire
3 hydrants; requiring owners of private fire
4 hydrants to test hydrants in accordance with
5 national standards and to contract with
6 licensed professionals or local fire-control
7 authorities to inspect and service such
8 hydrants; authorizing local fire officials to
9 contract with owners of private fire hydrants
10 to maintain such hydrants; providing fines for
11 noncompliance; providing an effective date.

12

13 Be It Enacted by the Legislature of the State of Florida:

14

15 Section 1. (1) A person who owns a private fire
16 hydrant must ensure that the hydrant is tested in accordance
17 with National Fire Protection Association Standard 24,
18 subsection 4-3.6, and that it is inspected and maintained in
19 compliance with National Fire Protection Association Standard
20 25, Standard for the Inspection, Testing, and Maintenance of

21 Water-Based Fire Protection Systems, the edition currently
22 adopted by the State Fire Marshal pursuant to its
23 code-adoption and standards-adoption authority in chapter 633,
24 Florida Statutes. A person who owns a private fire hydrant
25 must produce, upon request of an authorized fire official, a
26 valid and continuing maintenance contract with a plumbing
27 contractor licensed under chapter 489, Florida Statutes, an
28 underground utility contractor licensed under chapter 489,
29 Florida Statutes, or, if the private hydrant is part of a fire
30 suppression system, a fire protection contractor licensed
31 under chapter 633, Florida Statutes.

1

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

Florida Senate - 2005
18-178A-05

SB 748
See HB 267

1 (2) The fire department having jurisdiction over the
2 subject property may contract with the owner to maintain the
3 fire hydrant as required by the code, if the contract does not
4 violate any other federal law or state or local code, statute,
5 or ordinance.

6 (3) A person who violates this section commits a
7 noncriminal violation, punishable by a fine not to exceed \$100
8 for a first offense or \$250 for each subsequent offense.

9 Section 2. This act shall take effect July 1, 2005.

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Senate Bill sb0258

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

Florida Senate - 2005

SB 258

By Senator Lynn

7-176-05

1 A bill to be entitled

2 An act relating to trauma care centers and rape

3 crisis centers; amending s. 395.405, F.S.;

4 authorizing the Department of Health to adopt

5 and enforce rules necessary to administer part

6 II of ch. 395, F.S., relating to trauma

7 services; establishing a task force on the

8 distribution of funds for trauma centers;

9 requiring a report to the Governor and the

10 Legislature; providing for a trauma center

11 matching grant program; amending s. 318.14,

12 F.S.; providing additional civil penalties for

13 certain traffic infractions; providing for such

14 penalties to be used to fund trauma services;

15 amending s. 318.21, F.S.; providing for certain

16 mandatory civil traffic penalties to be used to

17 fund trauma services; amending s. 318.18, F.S.;

18 providing penalties for a specified violation

19 of traffic control signal devices or for an

20 infraction that causes bodily injury; providing

21 for such penalties to be used to fund trauma
22 services; directing the clerk of court to
23 collect a fee for each civil and criminal
24 violation of ch. 316, F.S., to be used to fund
25 trauma services; amending s. 316.193, F.S.;
26 directing the Department of Highway Safety and
27 Motor Vehicles to assess specified annual
28 surcharges against motor vehicle licensees who
29 have a final conviction within the previous 36
30 months for a DUI offense; directing the
31 department to remit a portion of such penalties

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Florida Senate - 2005
7-176-05

SB 258

1 to the Administrative Trust Fund in the
2 Department of Health to be used to fund trauma
3 services; amending s. 794.056, F.S.; requiring
4 that funds credited to the Rape Crisis Program
5 Trust Fund include moneys appropriated by the
6 Legislature and grants from public and private
7 entities; revising a requirement relating to
8 the distribution of moneys from the trust fund
9 pursuant to a rule by the Department of Health;

10 creating s. 322.751, F.S.; directing the
11 Department of Highway Safety and Motor Vehicles
12 to assess specified annual surcharges against a
13 motor vehicle licensee who accumulates eight or
14 more points against his or her license within
15 the previous 36 months; requiring the
16 department to notify a licensee by first-class
17 mail upon receipt of four points against his or
18 her license; directing the department to remit
19 all such penalties to the Administrative Trust
20 Fund in the Department of Health to be used to
21 fund trauma services; creating s. 322.7525,
22 F.S.; requiring the department to notify
23 licensees of the surcharges and the time period
24 in which to pay the surcharges; creating s.
25 322.753, F.S.; requiring the department to
26 accept installment payments for the surcharges;
27 providing sanctions for a licensee's failure to
28 pay an installment; allowing the department to
29 permit licensees to pay assessed surcharges
30 using credit cards; requiring the department to
31 suspend a driver's license if the licensee does

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1 not pay the surcharge or arrange for
2 installment payments within a specified time
3 after the notice of surcharge is sent;
4 repealing s. 395.4035, F.S., relating to the
5 Trauma Services Trust Fund; requiring the
6 Department of Highway Safety and Motor Vehicles
7 to determine the costs of implementing the
8 requirements for a surcharge against motor
9 vehicle licensees; authorizing the department
10 to outsource implementation services; providing
11 an appropriation; providing for the
12 distribution of collections in the
13 Administrative Trust Fund in the Department of
14 Health; providing an appropriation; providing
15 an effective date.

16

17 Be It Enacted by the Legislature of the State of Florida:

18

19 Section 1. Section 395.405, Florida Statutes, is
20 amended to read:

21 395.405 Rulemaking.--The department shall adopt and
22 enforce all rules necessary to administer this part ~~ss-~~
23 ~~395.0199, 395.401, 395.4015, 395.402, 395.4025, 395.403,~~
24 ~~395.404, and 395.4045.~~

25 Section 2. The Department of Health shall establish a
26 task force by August 1, 2005, for the purpose of studying and
27 making recommendations regarding the formula for distributing

28 funds deposited in the Administrative Trust Fund in the
29 Department of Health for distribution to trauma centers
30 pursuant to section 395.403, Florida Statutes, and alternative
31 financing options. The task force shall include

3

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1 representatives of the Executive Office of the Governor, the
2 Department of Health, the Agency for Health Care
3 Administration, and representatives from Level I, Level II,
4 and pediatric trauma centers and at least two surgeons. The
5 report of the task force shall be submitted to the Governor,
6 the President of the Senate, and the Speaker of the House of
7 Representatives by January 15, 2006.

8 Section 3. Trauma center matching grant program.--It
9 is the intent of the Legislature to promote the development of
10 at least one trauma center in each trauma service area. A
11 trauma center matching grant program shall be established and
12 administered by the Department of Health. The purpose of the
13 program is to provide startup funds as an incentive to
14 encourage development of new trauma centers. The grant program
15 shall function as a partnership between state and local
16 governments and private-sector health care providers. Private
17 providers shall provide \$1 in local matching funds for each \$1

18 grant payment made by the state. A hospital may apply for
19 matching grant funds by submitting a grant application to the
20 department. Applications shall be competitively reviewed by an
21 independent panel appointed by the Secretary of Health. The
22 department may use up to \$2 million annually from the
23 Administrative Trust Fund for this program.

24 Section 4. Subsection (5) of section 318.14, Florida
25 Statutes, is amended to read:

26 318.14 Noncriminal traffic infractions; exception;
27 procedures.--

28 (5) Any person electing to appear before the
29 designated official or who is required so to appear shall be
30 deemed to have waived his or her right to the civil penalty
31 provisions of s. 318.18. The official, after a hearing, shall

4

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1 make a determination as to whether an infraction has been
2 committed. If the commission of an infraction has been proven,
3 the official may impose a civil penalty not to exceed \$500,
4 except that in cases involving unlawful speed in a school zone
5 or involving unlawful speed in a construction zone, ~~or~~
6 ~~involving a death~~, the civil penalty may not exceed \$1,000; or

7 require attendance at a driver improvement school, or both. If
8 the person is required to appear before the designated
9 official pursuant to s. 318.19(1) and is found to have
10 committed the infraction, the designated official shall impose
11 a civil penalty of \$1,000 in addition to any other penalties.
12 If the person is required to appear before the designated
13 official pursuant to s. 318.19(2) and is found to have
14 committed the infraction, the designated official shall impose
15 a civil penalty of \$500 in addition to any other penalties. If
16 the official determines that no infraction has been committed,
17 no costs or penalties shall be imposed and any costs or
18 penalties that have been paid shall be returned. Moneys
19 received from the mandatory civil penalties imposed pursuant
20 to this subsection upon persons required to appear before a
21 designated official pursuant to s. 318.19(1) or (2) shall be
22 remitted to the Department of Revenue and distributed into the
23 Administrative Trust Fund created under s. 20.435 to be used
24 by the Department of Health as required under s. 395.403.

25 Section 5. Subsection (13) is added to section 318.21,
26 Florida Statutes, to read:

27 318.21 Disposition of civil penalties by county
28 courts.--All civil penalties received by a county court
29 pursuant to the provisions of this chapter shall be
30 distributed and paid monthly as follows:

31

1 (13) (a) Notwithstanding subsections (1) and (2), the
2 proceeds from the mandatory civil penalties imposed pursuant
3 to s. 318.14(5) shall be distributed as provided in that
4 section.

5 (b) Notwithstanding subsections (1) and (2), the
6 proceeds from the fines imposed under s. 318.18(13) and (14)
7 shall be distributed as provided in that section.

8 Section 6. Present subsection (13) of section 318.18,
9 Florida Statutes, is redesignated as subsection (16) and
10 subsections (13), (14), and (15) are added to that section, to
11 read:

12 318.18 Amount of civil penalties.--The penalties
13 required for a noncriminal disposition pursuant to s. 318.14
14 are as follows:

15 (13) One hundred ten dollars for a violation of s.
16 316.075(1)(c)1. or for a steady red signal violation as
17 provided in s. 316.074(1), of which \$60 shall be distributed
18 as provided in s. 318.21 and the remaining \$50 shall be
19 remitted to the Department of Revenue for deposit into the
20 Administrative Trust Fund created under s. 20.435 to be used
21 by the Department of Health as required under s. 395.403.

22 (14) Two hundred sixty dollars for any infraction that
23 results in a crash that causes any bodily injury other than
24 "serious bodily injury" as defined in s. 316.1933(1), of which

25 \$60 shall be distributed as provided in s. 318.21 and the
26 remaining \$200 shall be remitted to the Department of Revenue
27 for deposit into the Administrative Trust Fund created under
28 s. 20.435 to be used by the Department of Health as required
29 under s. 395.403.

30 (15) Notwithstanding any law to the contrary, the
31 clerk of the court shall collect an additional \$10 for each

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1 civil violation of chapter 316; \$20 for each offense
2 specifically enumerated in s. 318.17; and \$20 for any other
3 offense in chapter 316 which is classified as a criminal
4 violation. The fines collected under this subsection shall be
5 remitted to the Department of Revenue for deposit in the
6 Administrative Trust Fund under s. 20.435 to be used by the
7 Department of Health as required under s. 395.403.

8 Section 7. Paragraph (a) of subsection (2) of section
9 316.193, Florida Statutes, is amended to read:

10 316.193 Driving under the influence; penalties.--

11 (2) (a) 1. Except as provided in paragraph (b),
12 subsection (3), or subsection (4), any person who is convicted
13 of a violation of subsection (1) shall be punished:

14 a.1- By a fine of:

15 ~~(I)a-~~ Not less than \$250 or more than \$500 for a first
16 conviction.

17 ~~(II)b-~~ Not less than \$500 or more than \$1,000 for a
18 second conviction; and

19 ~~b.2-~~ By imprisonment for:

20 ~~(I)a-~~ Not more than 6 months for a first conviction.

21 ~~(II)b-~~ Not more than 9 months for a second conviction.

22 ~~c.3-~~ For a second conviction, by mandatory placement
23 for a period of at least 1 year, at the convicted person's
24 sole expense, of an ignition interlock device approved by the
25 department in accordance with s. 316.1938 upon all vehicles
26 that are individually or jointly leased or owned and routinely
27 operated by the convicted person, when the convicted person
28 qualifies for a permanent or restricted license. The
29 installation of such device may not occur before July 1, 2003.

30 2. In addition to the fines and penalties established
31 in this subsection, the court shall impose a surcharge, to be

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1 collected by the department and subject to a court's
2 determination of financial ability to pay, as follows:

3 a. Each year the department shall assess a surcharge

4 on each person who has a final conviction during the preceding
5 36-month period for an offense relating to s. 316.193.

6 b. The amount of a surcharge under this section is
7 \$500 per year, except that the amount of the surcharge is:

8 (I) Seven hundred fifty dollars per year for a second
9 or subsequent conviction within a 36-month period; and

10 (II) One thousand dollars for a first or subsequent
11 conviction if the blood-alcohol level of the person was 0.20
12 or higher at the time the analysis was performed.

13 c. A surcharge under this section for the same
14 conviction may not be assessed in more than 3 years.

15 d. This section applies only to a violation that
16 occurs on or after July 1, 2005.

17 e. All moneys due under this subparagraph shall be
18 billed and collected by the Department of Highway Safety and
19 Motor Vehicles or its designee for deposit in the Highway
20 Safety Operating Trust Fund. Of the moneys collected annually,
21 the department shall retain the actual cost of developing,
22 implementing, and administering a driver responsibility
23 program. The remainder shall be transferred at least quarterly
24 to the Administrative Trust Fund created under s. 20.435 to be
25 used by the Department of Health as required under s. 395.403.

26 Section 8. Section 794.056, Florida Statutes, is
27 amended to read:

28 794.056 Rape Crisis Program Trust Fund.--

29 (1) The Rape Crisis Program Trust Fund is created
30 within the Department of Health for the purpose of providing
31 funds for rape crisis centers in this state. Trust fund moneys

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1 shall be used exclusively for the purpose of providing
2 services for victims of sexual assault. Funds deposited in the
3 trust fund shall include revenues as provided by law, moneys
4 as appropriated by the Legislature, and grants from public or
5 private entities. Funds credited to the trust fund consist of
6 those funds collected as an additional court assessment in
7 each case in which a defendant pleads guilty or nolo
8 contendere to, or is found guilty of, regardless of
9 adjudication, an offense defined in s. 784.011, s. 784.021, s.
10 784.03, s. 784.041, s. 784.045, s. 784.048, s. 784.07, s.
11 784.08, s. 784.081, s. 784.082, s. 784.083, s. 785.085, or s.
12 794.011.

13 (2) The Department of Health shall establish by rule,
14 consistent with s. 794.055(3)(a), criteria for distributing
15 moneys from the trust fund to the statewide nonprofit
16 association, the primary purpose of which is to represent and
17 provide technical assistance to rape crisis centers for
18 distribution to rape crisis centers.

19 Section 9. Section 322.751, Florida Statutes, is
20 created to read:

21 322.751 Annual surcharge for points.--

22 (1) Each year the department shall assess a surcharge
23 on each person who has accumulated eight or more points
24 against his or her driver's license during the preceding
25 36-month period.

26 (2) The amount of a surcharge under this section is
27 \$100 for the first eight points and \$25 for each additional
28 point.

29 (3) The department shall notify the holder of a
30 driver's license of the assignment of a fourth point on that
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1 license by first-class mail sent to the person's most recent
2 address as shown on the records of the department.

3 (4) This section applies only to a violation that
4 occurs on or after July 1, 2005.

5 (5) All moneys due under this section shall be billed
6 and collected by the Department of Highway Safety and Motor
7 Vehicles or its designee for deposit in the Highway Safety
8 Operating Trust Fund. Of the moneys collected annually, the
9 department shall retain the actual cost of developing,
10 implementing, and administering a driver responsibility
11 program. The remainder shall be transferred at least quarterly

12 to the Administrative Trust Fund created under s. 20.435 to be
13 used by the Department of Health as required under s. 395.403.

14 Section 10. Section 322.7525, Florida Statutes, is
15 created to read:

16 322.7525 Notice of surcharge.--

17 (1) The department shall notify the holder of a
18 driver's license of the assessment of a surcharge on that
19 license by first-class mail sent to the person's most recent
20 address as shown on the records of the department. The notice
21 must specify the date by which the surcharge must be paid and
22 state the consequences of a failure to pay the surcharge.

23 (2) If, before the 30th day after the date the
24 department sends a notice under s. 322.751, s. 322.7515, s.
25 322.7516, or s. 327.732, the person fails to pay the surcharge
26 on the person's license or fails to enter into an
27 installment-payment agreement with the department, the license
28 of the person is automatically suspended.

29 (3) A license suspended under this section remains
30 suspended until the person pays the surcharge and any related
31 costs.

1 Section 11. Section 322.753, Florida Statutes, is
2 created to read:

3 322.753 Installment payment of surcharges.--

4 (1) The department shall by rule provide for the
5 payment of a surcharge in installments.

6 (2) A rule under this section:

7 (a) May not permit a person to pay a surcharge:

8 1. Of less than \$2,300 over a period of more than 12
9 consecutive months; or

10 2. Of \$2,300 or more over a period of more than 24
11 consecutive months.

12 (b) May provide that if the person fails to make a
13 required installment payment, the department may declare the
14 amount of the unpaid surcharge immediately due and payable.

15 (3) The department may by rule authorize the payment
16 of a surcharge by use of a credit card. The rules may require
17 the person to pay all costs incurred by the department in
18 connection with the acceptance of the credit card.

19 (4) If a person pays a surcharge or related cost by
20 credit card and the amount is subsequently reversed by the
21 issuer of the credit card, the license of that person is
22 automatically suspended.

23 (5) A license suspended under this section remains
24 suspended until the person pays the amount of the surcharge
25 and any related costs.

26 Section 12. Section 395.4035, Florida Statutes, is
27 repealed.

28 Section 13. The Department of Highway Safety and Motor
29 Vehicles shall determine the level of funding necessary to

30 implement the annual surcharge requirements of this act with
31 department resources. If the department determines that such

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1 services could be provided more effectively or efficiently,
2 the department may consider outsourcing proposals through
3 competitive processes. Notwithstanding chapter 287, Florida
4 Statutes, if fewer than four responsive bids are received, the
5 department shall seek approval by the Legislative Budget
6 Commission.

7 Section 14. The sum of \$250,000 is appropriated from
8 the Highway Safety Operating Trust Fund for initial
9 development startup costs related to implementing the annual
10 surcharge requirements of this act. The Department of Highway
11 Safety and Motor Vehicles shall submit a budget amendment for
12 approval by the Legislative Budget Commission under chapter
13 216, Florida Statutes, upon determination of the additional
14 budget amounts by appropriation category which are necessary
15 for full implementation.

16 Section 15. Of the funds received in the
17 Administrative Trust Fund, the Department of Health shall
18 retain 91.67 percent of monthly collections in the

19 Administrative Trust Fund. The remaining 8.33 percent of
20 monthly collections shall be distributed to the Rape Crisis
21 Program Trust Fund, up to a maximum annual distribution of \$4
22 million. Once the \$4 million cap is reached for the Rape
23 Crisis Program Trust Fund, 100 percent of collections shall be
24 retained in the Administrative Trust Fund in the Department of
25 Health. Annual collections in excess of \$55 million shall be
26 transferred as follows: \$5 million to the Brain and Spinal
27 Cord Injury Program Trust Fund for the purpose set forth in
28 section 381.79, Florida Statutes, and the remainder to the
29 General Revenue Fund.

30 Section 16. The sum of \$31,591,454 is appropriated
31 from the Administrative Trust Fund in the Department of Health

12

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1 to provide funding for verified and provisional trauma centers
2 under section 395.403, Florida Statutes, and the sum of \$4
3 million is appropriated from the Rape Crisis Program Trust
4 Fund in the Department of Health for the purpose of providing
5 services for victims of sexual assault.

6 Section 17. This act shall take effect July 1, 2005.

7

8

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SENATE SUMMARY

10 Provides for a trauma center matching grant program.
11 Provides for additional civil penalties for certain
12 traffic infractions. Directs the Department of Highway
13 Safety and Motor Vehicles to assess specified annual
14 surcharges against a motor vehicle licensee who
15 accumulates points against his or her license. Directs
16 the department to remit all such penalties and surcharges
17 to the Administrative Trust Fund in the Department of
18 Health for the purpose of funding trauma services.
19 Authorizes the department to accept installment payments
20 for surcharges. (See bill for details.)

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SARASOTA COUNTY
"Dedicated to Quality Service"

BOARD OF COUNTY COMMISSIONERS
1000 Ringling Boulevard
Sarasota, Florida 34236
Telephone (813) 551-3344
Fax (813) 551-5987

C
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January 11, 2005

JAN 18 2004

SUBJECT: Red Light Camera Legislation

Dear Chair and Commissioners,

Running a red light at an intersection is aggressive driving behavior that can seriously injure or kill others. Collisions resulting from red-light running are more severe than other intersection collisions because they usually involve at least one vehicle traveling very fast. The most serious red-light running collisions, side-impact collisions, may cause severe injuries sometimes leading to death.

As local government public officials, the safety of our streets is one of our primary concerns. There is technology available that we do not have the authority to use and that can create safer streets in our communities - photographic enforcement systems, i.e., red light cameras.

Running a red light is not only dangerous to the driver of the car, it also endangers the life and property of other innocent individuals both drivers and pedestrians. Our primary method of persuading drivers to pay attention and obey traffic lights is punishment for violations. Yet, numerous violators go without detection because our police force is limited in size, and cannot be at every intersection.

Red light cameras have been shown to provide both efficient and effective punishment for violators without an invasion of privacy, as well as deterrence from future violations. Public awareness of red light cameras reduces aggressive driving behavior. Studies have shown that red light violation rates can decrease as much as 42 percent within a few months of camera installation. The benefits of improved driving habits even spread into intersections without cameras. The constant and vigilant eye of the camera at intersections acts as a gentle but persistent reminder thereby changing old habits and actually making the roads a safer place.

It's time for Florida to authorize using cameras to catch drivers who run red lights. The effort to obtain statutory authorization for local governments to use photographic enforcement mechanisms in the State of Florida must be renewed. The Sarasota Board of County Commissioners has adopted a resolution urging the 2005 Florida legislature to pass a bill providing this authorization. We hope that each of our counterparts in local government will do the same, saying to our legislators in a unified voice that local governments need red light camera authority to help us make the streets in our communities safe.

Attached is the Resolution adopted by our Board. Thank you for joining us in this effort.

Sincerely,


PAUL H. MERCIER, C.C.C.
Chairman

Attachment

c: Bill Broughton, Lobbyist, Sarasota County Government

BOARD RECORDS
FILED FOR REFERENCE

RESOLUTION NO.: 2005-008

2005 JAN 13 AM 9:05

**RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF SARASOTA COUNTY, FLORIDA**

RE: A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA, URGING THE 2005 FLORIDA LEGISLATURE TO ADOPT LEGISLATION DURING THIS SESSION WHICH AUTHORIZES LOCAL GOVERNMENTS TO USE PHOTOGRAPHIC TRAFFIC CONTROL SYSTEMS IN THE ENFORCEMENT OF RED LIGHT RUNNING VIOLATIONS.

WHEREAS, running a red light is aggressive driving behavior that can seriously injure or kill others and is not only dangerous to the driver of the car, but also endangers the life and property of other innocent individuals both drivers and pedestrians; and

WHEREAS, drivers usually increase their speed when running a red light; therefore, collisions resulting from red light running are more severe than other intersection collisions and, especially in the case of side-impact collisions, may cause severe injuries sometimes leading to death; and

WHEREAS, red light camera technology, available and in use by many local governments in other states for many years, has been shown to provide both efficient and effective punishment for violators without an invasion of privacy, as well as deterrence from future violations; and

WHEREAS, it is time for local governments in Florida to be statutorily authorized to use photographic traffic control systems in enforcement of red light running violations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA, AS FOLLOWS: That Sarasota County Government urges the 2005 Florida legislature to adopt legislation during this session which authorizes local governments to use photographic traffic control systems in the enforcement of red light running violations.

PASSED AND DULY ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA, this 11th day of January, 2005.

**BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA**

By: [Signature]
Chairman

ATTEST:
**KAREN E. RUSHING, Clerk of the
Circuit Court and Ex-Officio Clerk
of the Board of County Commissioners
of Sarasota County, Florida**

BY: [Signature]
Deputy Clerk

STATE OF FLORIDA
CLERK OF THE CIRCUIT COURT
SARASOTA COUNTY
I HEREBY CERTIFY THAT THE FOREGOING IS A
TRUE AND CORRECT COPY OF THE ORIGINAL FILED
IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT
ON THIS DATE AND AT THE PLACE INDICATED THEREON.
DATE FILED: 1/13/05
[Signature]
Clerk of the Circuit Court

R2005-008